1 2 3 4 5	DAVID A. ROSENFELD, Bar No. 058163 WEINBERG, ROGER & ROSENFELD A Professional Corporation 1001 Marina Village Parkway, Suite 200 Alameda, California 94501 Telephone (510) 337-1001 Fax (510) 337-1023 E-Mail: drosenfeld@unioncounsel.net	
6	Attorneys for the Union	
7		
8	UNITED STATES OF AMERICA	
9	NATIONAL LABOR RELATIONS BOARD	
10		
11	HAWAIIAN DREDGING CONSTRUCTION COMPANY, INC.,	No. 37-CA-8316
12		
13	Respondent/Employer,	*
14	And	RESPONSE TO MOTION FOR SUMMARY JUDGMENT
15		
16	INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP	
17	BUILDERS, BLACKSMITHS, FORGERS AND HELPERS, LOCAL	
18	627,	
19	Charging Party/Union.	
20		
21	Charging Party joins generally in the regner	go to the Mation for Symmetry Lydon and Elad
22   23	Charging Party joins generally in the response to the Motion for Summary Judgment filed	
24	by counsel for the Acting General Counsel.  The fact is that when the employer terminated all the employees who were members of the	
25	The fact is that when the employer terminated all the employees who were members of the Boilermakers Union, it did so because they did "not intend to utilize members of a Boilermakers	
26	Union for future work." This is a quote directly from a letter of February 17, 2011 which was	
27	sent to Boilermakers Lodge 627. A copy of that letter is attached as Exhibit A.	
28	sent to Bonermakers Louge 021. A copy of that letter is attached as Exhibit A.	
WEINBERG, ROGER & ROSENFELD A Professional Corporation 1001 Marina Village Parkway, Suite 200 Valencia, California 94:501 (510),337-1001	RESPONSE TO MOTION FOR SUMMARY JUDGMEN	T CASE NO. 37-CA-8316

WEINBERG, ROGER & ROSENFELD
A Professional Corporation
DOI Marina Village Parkway, Suite 200
Vanicea Cathfornia 94-991

## PROOF OF SERVICE (CCP §1013)

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On February 7, 2012, I served the following documents in the manner described below:

## RESPONSE TO MOTION FOR SUMMARY JUDGMENT

- (BY FACSIMILE) I am personally and readily familiar with the business practice of X Weinberg, Roger & Rosenfeld for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.
- (BY ELECTRONIC SERVICE) By electronically mailing a true and correct copy X through Weinberg, Roger & Rosenfeld's electronic mail system from kshaw@unioncounsel.net to the email addresses set forth below.

On the following part(ies) in this action:

Barry W. Marr Megumi Sakae Marr Jones & Wang Pauahi Tower 1003 Bishop Street, Suite 1500 Honolulu, HI 96813 (808) 536-6700	Joseph F. Frankl Regional Director NLRB, Region 20 901 Market Street, Suite 400 San Francisco, CA 94103 (415) 356-5156
Acting Regional Director, Trent Kakuda, Esq. Scott Hovey Jr., Esq. NLRB, Region 37 300 Ala Moana Blvd., Room 7-245 Honolulu, HI 96850 (808) 541-2818	Executive Secretary National Labor Relations Board 1099 - 14th Street, N.W. Washington, DC 20570-0001  • Via E-filing

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 7, 2012, at Alameda, California.

/s/ Katrina Shaw	
Katrina Shaw	

28

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

PO Box 4088 Honolulu, HI 96812-4088 Phone: (808) 735-3211 www.hdcc.com



February 17, 2011

Via Email and Certified Mail allen@boilermakers627.com

Mr. B. Allen Meyers Boilermakers, Lodge 627 Business Manager 2345 W. Thomas Road Phoenix, AZ 85015

Re: Agreement between International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers, And Subordinate Lodge No. 727 ("Union") and the Association of Boilermakers Employers of Hawaii, effective October 1, 2005

Dear Mr. Meyers:

By letter dated February 14, 2011 (a copy of which is enclosed), the Association of Boilermakers Employers of Hawaii ("Association"), through its counsel, was notified by the National Labor Relations Board ("NLRB") that the Association's unfair labor practice charge against the Union was being dismissed. NLRB's decision is based upon its Regional Director's finding that there was no meeting of the minds between the Union and the Association on the terms of a new agreement, and therefore no agreement between the parties currently exists.

Since our prior agreement with the Union terminated on September 30, 2010, you are hereby advised that the Association does not intend to utilize members of the Boilermaker's Union for future work. While previously, we had hoped to come to terms with the Union on a new agreement, the Union does not appear to be genuinely interested in continuing a partnership between its members and Hawaii contractors. Consequently, we are terminating our relationship with the Union effective immediately.

Very truly yours,

Tom Valentine, Chairman Association of Boilermaker Employers of Hawaii